

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

American Society for Testing and Materials;
National Fire Protection Association, Inc.;
American Society of Heating, Refrigerating,
And Air-Conditioning Engineers, Inc.,

Plaintiffs-Appellants,

v.

Public.Resource.Org, Inc.,

Defendant-Appellee.

No. 22-7063

**APPELLEE PUBLIC.RESOURCE.ORG’S UNOPPOSED MOTION TO
SUPPLEMENT THE JOINT APPENDIX**

Per D.C. Circuit Rule 30(e), Defendant-Appellee Public.Resource.Org, Inc. moves the Court for leave to file a supplement to the deferred Joint Appendix in this matter.

Circuit Rule 30(e) states: “If anything material to the appeal or petition is omitted from the appendix, the clerk, on the duly served and filed written request of any party, may allow the appendix to be supplemented.”

Due to a typographical error, Public.Resource.Org omitted from its designation to the Joint Appendix one document referenced in its answering brief, and therefore the document was not included in the deferred Joint Appendix. The omitted document is District Court Docket No. 204-64, Exhibit 58 to the

Supplemental Declaration of Matthew Becker In Opposition to Plaintiffs' Motion for Summary Judgment (depicting a copy of the Federal Register's "IBR Handbook," introduced as Exhibit 9 in the deposition of Mary Saunders).

Public.Resource.Org's counsel has conferred with Plaintiffs-Appellants' counsel, who consent to this request.

A copy of the proposed Supplement to the Joint Appendix is attached.

Dated: February 3, 2023

Respectfully submitted,
FENWICK & WEST LLP

By: /s/ Matthew B. Becker

Andrew P. Bridges
abridges@fenwick.com
Matthew B. Becker
mbecker@fenwick.com
FENWICK & WEST LLP
801 California Street
Mountain View, CA 94041
Telephone: (415) 875-2300
Facsimile: (415) 281-1350

Corynne McSherry
corynne@eff.org
Mitchell L. Stoltz
mitch@eff.org
ELECTRONIC FRONTIER
FOUNDATION
815 Eddy Street
San Francisco, CA 94109
Telephone: (415) 436-9333
Facsimile: (415) 436-9993

David Halperin (D.C. Bar No. 426078)

davidhalperindc@gmail.com

1805 9th Street NW

Washington, DC 20005

Telephone: (202) 905-3434

Attorneys for Appellee

Public.Resource.Org, Inc.

CERTIFICATE OF COMPLIANCE

I hereby certify that this motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2) because this response to motion contains 164 words. I further certify that this motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style of Fed. R. App. P.32(a)(6).

Dated: February 3, 2023

FENWICK & WEST LLP

By: /s/ Matthew B. Becker

Matthew B. Becker
mbecker@fenwick.com
FENWICK & WEST LLP
801 California Street
Mountain View, CA 94041
Telephone: (415) 875-2300
Facsimile: (415) 281-1350

*Attorneys for Appellee
Public.Resource.Org, Inc.*

CERTIFICATE OF SERVICE

I, Matthew B. Becker, hereby certify that on February 3, 2023, I electronically filed the foregoing **APPELLEE PUBLIC.RESOURCE.ORG'S UNOPPOSED MOTION TO SUPPLEMENT THE JOINT APPENDIX** with the United States Court of Appeals for the District of Columbia Circuit through the Court's CM/ECF system, which will serve all Counsel who are registered CM/ECF users.

Dated: February 3, 2023

FENWICK & WEST LLP

By: /s/ Matthew B. Becker

Matthew B. Becker
mbecker@fenwick.com
FENWICK & WEST LLP
801 California Street
Mountain View, CA 94041
Telephone: (415) 875-2300
Facsimile: (415) 281-1350

*Attorneys for Appellee
Public.Resource.Org, Inc.*